



Order under Section 69 Residential Tenancies Act, 2006

Citation: 549 Indian Rd Ltd v Price, 2026 ONLTB 12839

Date: 2026-02-12

File Number: LTB-L-095288-25

In the matter of: 2, 549 INDIAN RD
Toronto ON M6P2B9

Between: 549 Indian Rd Ltd Landlord

And

David Price Tenant

549 Indian Rd Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict David Price (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 22, 2026. The Landlord's agent, Denis Aleman, and the Tenant attended the hearing.

Determinations:

1. The Landlord's certificate of service indicates that the N4 Notice of Termination ('N4 Notice') was served to the Tenant by email on September 29, 2025. This was confirmed by the Landlord's agent at the hearing. The termination date on the N4 Notice was October 1, 2025.
2. The Landlord's N4 Notice is defective for the following reason.
3. An N4 notice is served pursuant to section 59(1) of the Residential Tenancies Act, 2006 (the 'Act') which states:

59 (1) If a tenant fails to pay rent lawfully owing under a tenancy agreement, the landlord may give the tenant notice of termination of the tenancy effective **not earlier than,**

- (a) the 7th day after the notice is given, in the case of a daily or weekly tenancy; and
- (b) the 14th day after the notice is given, in all other cases.

[emphasis added]

4. Additionally, on the N4 Notice itself landlords are provided with a checklist to ensure they have completed the form properly thereby avoiding serious errors. The second point on this checklist states:

Did you fill in the correct termination date?

If your tenant pays rent by the month or year, you must give at **least 14 days** notice. If your tenant pays rent by the **day or week**, you must give **at least 7 days** notice. When counting the days, do not include the date you are giving the notice to the tenant. For example, if you give the notice to the tenant by hand on March 3rd, the first day of the 14-day notice period is March 4th; in this example, the earliest termination date would be March 17th. **If you are giving the notice to the tenant by mail or courier, you have to add extra days in calculating the termination date.** Read the Instructions to this form to see how many days you have to add.

5. Because the Notice of Termination is defective, the Landlord may not seek eviction.
6. At the hearing, the Landlord requested consent of the Board to apply for an order requiring the Tenant to pay the arrears of rent pursuant to subsection 87(1) of the Act and I consented to the Landlord's request.
7. As of the hearing date, the Tenant was still in possession of the rental unit.
8. The Landlord submitted a ledger for the tenancy. It was undisputed that the Tenant was at a zero balance up to the rental period ending July 31, 2025. It was also undisputed that the lawful rent is \$1,943.65. It is due on the 1st day of each month.
9. It was further undisputed that the rent arrears owing to January 31, 2026, are \$8,355.55. I noted that the Landlord had "late fees" totalling \$200.00 (\$50.00 x 4) on the ledger. This type of fee is prohibited under section 134(1) (a) of the Act. The total of rent arrears of \$8,355.55 as noted above does not include these prohibited fees.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$8,541.55. This amount includes arrears owing up to January 31, 2026, and the Landlord's cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before March 14, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 15, 2026, at 4.00% annually on the balance outstanding.

February 12, 2026
Date Issued

Melissa Anjema
 Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.